

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:22-cv-00050-M

MADISON CAWTHORN, an individual,

Plaintiff,

v.

DAMON CIRCOSTA, in his official capacity
as Chair of the North Carolina State Board of
Elections,, et al.,

Defendants.

NOTICE OF FILINGS

NOW COME Defendants Damon Circosta, Stella Anderson, Jeff Carmon, III, Stacy Eggers, IV, Tommy Tucker, and Karen Brinson Bell (“Defendants” or “State Board Defendants”), through undersigned counsel, to hereby notify the Court of certain filings in related matters which have occurred since the parties last conferenced with the Court in the afternoon of February 25, 2022, as it relates to the present action before this Court.

1. As this Court is aware, on January 11, 2022, the North Carolina Superior Court entered an order in the redistricting lawsuit then-pending in North Carolina state court, staying all candidate challenges against candidates for the U.S. House of Representatives and the N.C. House and Senate until the redistricting litigation is resolved. [D.E. 9-3]. As the Court is also aware, the state-court redistricting litigation was resolved on February 23, 2022, when the Superior Court ordered remedial legislative and congressional maps be used for the 2022 primary and general election and the Supreme Court of North Carolina subsequently denying further review. [D.E. 67-1].

2. On February 25, 2022, after the conference with this Court, Legislative

Defendants in the state redistricting lawsuit filed an application with the Supreme Court of the United States asking the Court for an emergency stay of the decisions of the Supreme Court of North Carolina and trial court with respect to the congressional map, pending Legislative Defendants' forthcoming petition for writ of certiorari. *See Moore, et al. v. Harper, et al.*, No. 21A455, Docket Sheet, *available at* <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/21a455.html>. The U.S. Supreme Court has ordered responses from the other parties be filed today, March 2, 2022. *Id.*

3. On February 28, 2022, Plaintiff withdrew the Notice of Candidacy he previously filed for North Carolina's Thirteenth Congressional District, and filed a Notice of Candidacy for the new Eleventh Congressional District. *See current candidate filing list, pg. 7, available at* https://s3.amazonaws.com/dl.ncsbe.gov/Elections/2022/Candidate%20Filing/2022_Primary_Election_Candidate_PDFs/2022_primary_candidate_list_by_contest_federal_and_state.pdf.

4. On March 2, 2022, two individuals filed candidate challenges with the North Carolina State Board of Elections alleging Plaintiff was not eligible to run for office. (*See Ex. A*)

5. In light of the ongoing redistricting litigation in the form of the emergency application currently pending before the U.S. Supreme Court, the State Board continues to consider all candidate challenges against candidates for the U.S. House of Representatives, including the challenges filed today against Plaintiff, stayed by the North Carolina Superior Court's January 11, 2022 order.

6. The State Board has a meeting scheduled for Monday, March 7. If the matters before the U.S. Supreme Court are resolved with respect to the Congressional map to be used in

the upcoming May 17, 2022 primary, and the challenges filed today are valid for the Eleventh Congressional District at that time (see D.E. 67-1), the State Board intends to take up the challenges at that time pursuant to N.C.G.S. § 163-127.1, et seq.

If the Court requires additional information regarding this development, or any other matter, State Board Defendants will provide that information at the Court's request.

Should any further development occur relevant to the facts underlying this matter, State Board Defendants will notify the Court.

Respectfully submitted this the 2nd day of March, 2022.

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